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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/700,179

11/03/2003

Peter G. Janssen

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09/13/2005

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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/700,179

Applicant(s)

JANSSEN, PETER G.

Examiner

Gwendolyn Baxter

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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9/6/05  
This is the third office action for serial number <sup>10</sup>09/700,179, Tool-free Hanging Device, filed on June 3, 2004. This application is a continuation of application serial number 10/268,189, filed October 10 2002, now patent 6,641,107.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27-30 and 32-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The base claims 1, 6 and 10 have been cancelled. Claims 27-30 and 32-36 directly or indirectly depends upon cancelled claims 1, 6 and 10 and is deemed to be incomplete. For the purpose of this Office action, claims 27-30 depend upon claim 26 and claims 32-36 depend upon claim 31.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 31-36, 41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,445,372 to Wagner, hereinafter Wagner. The present invention reads on Wagner as follows: Wagner discloses a device comprising a push plate (8), a lance (5), and a hanger (4,7).

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The push plate (8) has a front and back push plate surface. The front push plate surface and the back push plate surface oppose the front push plate surface. The lance (5) projects from the back push plate surface of the push plate. The lance has a barb (6) adjacent a distal end. The barb includes a barb surface (not numbered). The barb surface is substantially parallel to the back push plate surface. The hanger extends from the push plate and projecting from the front push plate surface of the push plate. The hanger is capable of receiving the object and bias the barb surface against the wall when the object is received (lines 30+). At least one of the push plate and the hanger is capable of receiving a rotational force that positions the hanger to receive the object. The push plate is circular. The hanger is a hook hanger. The device is constructed of metal (lines 85+). The front plate surface is configured to receive the pushing force from a finger. The lance is substantially perpendicular to the back push plate surface and the hanging device is inserted into the wall without using a mechanical tool. At least a portion of the hanger and the lance are substantially perpendicular to each other.

The method is inherent, since the method is predicated on the structure.

Claims 26-30, 37-40, 43 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,619,430 to Hogg, hereinafter Hogg. The present invention reads on Hogg as follows: Hogg teaches a method comprising inserting a lance (20) of a unitary hanging device (90) into a wall (30) by pressing on a push plate (10-19) until the lance passes through the wall and the barb (23) clears the wall, creating a lance aperture in the wall (see figures 3 and 5). Rotating, by exerting a force on at least one of the push plate (10-19), a hanger or a salient, the lance of the unitary hanging device until the hanger is positioned to receive an object and until the barb rotating with the lance at least clears the lance aperture; the hanging device thereby

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achieving an object hanging position (see figure 3) when the hanger is positioned to receive the object and the lance is clear of the lance aperture. Biasing the barb against the wall such that the lance is not removable from the wall without further rotation of at least one the push plate, the hanger or the salient such that the barb is in alignment with the lance aperture. Rotating of the unitary hanging device occurs in a plane parallel to the wall. Additionally, the rotating step is accomplished without the use of a mechanical tool and the hanging device is rotated substantially 90 degrees. A hanger (12-17) extends and projects from the push plate. At least one of the push plate, the lance and the barb is stamped out (col. 5, lines 39+).

### ***Response to Arguments***

Applicant's arguments filed June 16, 2005 have been fully considered but they are not persuasive.

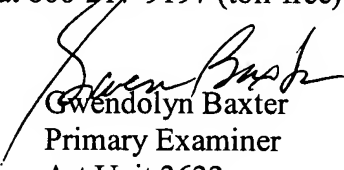
Applicant argues Wagner does not teach the presence of a push plate recited in claims 26 and 31, but rather teaches a ferrule. According to *WEBSTER'S II New Riverside University Dictionary* "a ferrule is a metal ring or cap placed around a pole or shaft to reinforce it or preventing splitting." Referring to the figures provide by Wagner, it is clear this ferrule is not a metal ring but perhaps a cap. Although the written disclosure is silent to the ferrule having a plate, it is quite clear from the drawings, namely figure 3, the ferrule includes a thin plate having two apertures therein and a pair of prongs or teeth located along the perimeter of the plate. In order for the ferrule to engage the wall, an external pressure, pressing, is applied to the ferrule. Therefore, Wagner teaches a push plate. The rejection of the previous office action stands.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:00am -5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gwendolyn Baxter  
Primary Examiner  
Art Unit 3632

August 30, 2005